

CIVIL JUSTICE & JUDICIAL REFORM

THE ISSUE

The organizational structure of Texas' state court system was originally laid out in Article V of the State Constitution adopted in 1891. Piecemeal and ad hoc restructuring over the intervening years have resulted in an antiquated system full of irregularities, inconsistencies, and overlapping jurisdictions.

In order to bring simplicity and rationality to the legal process, the system's organization and administration should be reformed. A number of jurisdictional and area of specialization issues also need to be addressed.

In the 80th Legislative Session, the Texas Legislature considered SB 1204 and HB 2906, which would have modernized and simplified Texas' court system, namely through (1) improving the Texas Supreme Court's ability to manage the judicial system, (2) rationalizing trial courts and clarifying subject-matter jurisdiction, (3) creating a true small-claims system, and (4) assigning complex cases to judges most capable of handling them. These bills died at the end of session.

Similar legislation is needed to provide for a more efficient judicial system. Judicial reform will bring greater simplicity and fairness to an often byzantine and confusing system, allowing the system to function more efficiently and reducing the cost to those who must interact with the courts. As a result, it will not only spur economic growth but further rebuild citizens' faith in the court system.

Texans would benefit from a just and coherent civil justice system that effectively adjudicates disputes in an efficient and timely manner. Modernizing the court system will bring the clarity and rationality necessary for the state to build on the reforms of the last decade.

THE FACTS

- ★ As of March 2007, the Texas judicial system consisted of two high courts (the Supreme Court and the Court of Criminal Appeals, each with nine members); 14 intermediate courts of appeals (with a total of 80 justices); 437 operating district courts; 254 constitutional county courts; 222 operating statutory county courts; 18 operating statutory probate courts; municipal courts sitting in 915 cities with a total of 1,396 judges; and 821 justice courts.
- ★ Some counties fall within the jurisdiction of more than one courts-of-appeal districts. The Dallas and Texarkana courts share Hunt County, and the Texarkana and Tyler courts share Gregg, Rusk, Upshur, and Wood Counties.

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- ★ Each justice of the peace sits as judge of the small claims court. All justices of the peace in Texas also serve as small claims court judges. Justice courts and small claims courts occupy the same facilities, have the same judge, and are served by the same staff.

RECOMMENDATIONS

- ★ Create a uniform system for handling complex-litigation cases.
- ★ Strengthen standards for admission of expert testimony. Not all courts, particularly at the state level, have the resources needed to sift through the voluminous information presented in many trials in order to verify the accuracy of expert testimony and determine whether it should be allowed in the courtroom.
 - ★ Give judges the necessary resources to use independent doctors and other professionals to help them determine whether expert testimony should be admitted in court.
 - ★ Require that doctors who testify as expert witnesses be deemed to be practicing medicine, which would give the Texas Medical Board the authority to discipline those who fraudulently testify.
- ★ Consolidate justice-of-the-peace courts and small claims courts. Such streamlining will lead to a more efficient system for courts of inferior jurisdiction.

RESOURCES

- *Restoring Civil Justice in Texas: Finishing What We Started*, by Bill Peacock, Texas Public Policy Foundation (Mar. 2006) <http://www.texaspolicy.com/pdf/2006-04-PP-tortreform-bp.pdf>.
- *Reforming Texas Courts*, by Kevin Holtsberry, Texas Public Policy Foundation (Mar. 2007) <http://www.texaspolicy.com/pdf/2007-03-PB15-Courts-kh.pdf>.
- *Recommendations for Reform: The Texas Judicial System*, Texans for Lawsuit Reform Foundation (2007) http://www.tlrfoundation.com/files/tlrf_courtadmin2007.pdf.
- <http://www.courts.state.tx.us/pubs/2007JudDir.asp>.
- Title 2, Texas Government Code, <http://tlo2.tlc.state.tx.us/statutes/gv.toc.htm>.

